

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID VOGELPOHL,

Defendant.

No. 18-CR-3053-CJW-MAR

ORDER

This matter is before the Court pursuant to the Report and Recommendation (Doc. 55) of the Honorable Mark A. Roberts, United States Magistrate Judge, recommending that the Court deny defendant's Motion to Suppress (Doc. 28).

On January 1, 2019, defendant filed the motion, which seeks to suppress statements made by defendant and any evidence derived from those statements. The government timely filed a resistance. On May 2, 2019, Judge Roberts held a hearing on the motion. On June 17, 2019, Judge Roberts issued the Report and Recommendation, which states that "[o]bjections to th[e] Report and Recommendation . . . must be filed within fourteen . . . days of the service of a copy of th[e] Report and Recommendation." (Doc. 55, at 23).

The time to object to the Report and Recommendation has expired, and neither party has filed any objections. Thus, the parties have waived their right to a de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein." (citation and internal quotation marks omitted)). Accordingly, the Court

reviews Judge Roberts' Report and Recommendation for plain error. *Id.* The Court finds no plain error in Judge Roberts' decision. Accordingly, the Court **adopts** the factual findings and legal conclusions in the Report and Recommendation. Defendant's Motion to Suppress is **denied**.

IT IS SO ORDERED this 2nd day of July, 2019.



C.J. Williams
United States District Judge
Northern District of Iowa